

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:88CR33
	)	
vs.	)	MOTION TO DESTROY
	)	OR OTHERWISE DISPOSE
JOHN MCCABE,	)	OF EXHIBITS
	)	
Defendant.	)	

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, pursuant to NECrimR 55.1(g)(3) and respectfully requests this Court issue an Order authorizing the United States to destroy or otherwise dispose of exhibits in the above captioned case and presently under the control of the United States Attorney's Office. In support of this Motion, the United States shows the Court as follows:

1. The United States District Court returned exhibits pertaining to defendant, John McCabe, to this office on February 10, 2006. (Filing No. 184). Since that time, the United States has maintained custody of the following exhibits from the January 14, 1994, hearing :  
Exhibit 1 - Lab reports.
2. John McCabe pled guilty, and was sentenced on July 14, 1989. (Filing No. 129). Defendant's probation was revoked on April 20, 1994. (Filing No. 177).
3. The above exhibits have been retained at least thirty (30) days after the final disposition of the case.

## CONCLUSION

The United States respectfully requests this Court issue an Order authorizing the United States to destroy or otherwise dispose of the above exhibits.

UNITED STATES OF AMERICA

MICHAEL G. HEAVICAN  
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## CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

James E. Schaefer

and hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: N/A.

s/ Bruce W. Gillan  
BRUCE W. GILLAN  
Assistant U.S. Attorney